



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FF

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause and for the recovery of the filing fee. The tenant testified that the notice of hearing was served on the landlord in person by the tenant on April 21, 2012. Despite having been served the notice of hearing, the landlord did not attend the hearing. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on December 01, 2011. The monthly rent is \$450.00 payable on the first day of each month. On April 07, 2012, the landlord served the tenant with a notice to end tenancy for cause. The tenant disputed the notice in a timely manner. The tenant stated that on May 01, 2012, he paid rent to the landlord who accepted it and did not refer to the notice to end tenancy.

Analysis

In order to support the notice to end tenancy, the landlord must prove at least one of the grounds alleged. The landlord did not file any evidence to support the reasons for the notice to end tenancy, nor did he attend the hearing. Without other evidence to support the claim, the landlord has not met the burden of proof and therefore I allow the tenant's application and set aside the landlord's notice to end tenancy.

Conclusion

The notice to end tenancy is set aside and the tenancy shall continue. The tenant may make a onetime deduction of \$50.00 from a future rent.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: May 08, 2012.

Residential Tenancy Branch